

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TRACY LINDSAY,	)	
	)	Civil Action No. 03 -837
Petitioner,	)	
	)	Judge Joy Flowers Conti/
vs.	)	Magistrate Judge Lisa Pupo Lenihan
	)	
FRANK GILLIS; ATTORNEY	)	
GENERAL OF THE STATE OF	)	Dkt. No. 59
PENNSYLVANIA	)	
	)	
Respondents.	)	

**ORDER**

When this Petition was originally filed in 2003 Petitioner requested that counsel be appointed. This was denied. At this stage of the litigation, however, given the complexities involved, the Court believes that Petitioner would be greatly assisted by the appointment of counsel, at this time on a limited basis.

In addition, on November 7, 2006, Petitioner filed a Motion for Sanctions against Respondents. This motion alleges that Respondents failed to electronically file the exhibits supporting their Answer. On July 13, 2006 extensive exhibits were electronically filed with the Court. It is not clear if Petitioner simply did not receive copies of these exhibits, which were electronically filed, or if he is complaining that there are still exhibits missing. So that Petitioner can see exactly which exhibits were filed, enclosed with this Order is a list of the exhibits filed by Respondent. As counsel is being appointed, she

will be able to access the exhibits that have been electronically filed on behalf of Petitioner. Therefore,

**IT IS HEREBY ORDERED**, this 2nd day of April, 2007 that the Office of the Federal Public Defender is appointed as counsel for Petitioner for the limited purpose of addressing the issue of ineffective assistance of counsel in the filing of Petitioner's appeals within the Pennsylvania state court system, and pursuing the issue of reinstating his direct rights of appeal within that system.

**IT IS FURTHER ORDERED** that the Motion for Sanctions is **DENIED**.

**IT IS FURTHER ORDERED** that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(A), and Local Rule 72.1.3, the parties are allowed ten (10) days from the date of service to file an appeal from this order to the District Court. Any opposing party shall have ten (10) days from the date of service of the appeal to respond thereto. Failure to timely file an appeal may constitute a waiver of any appellate rights.



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Lisa Pupo Lenihan  
United States Magistrate Judge

Cc: Honorable Joy Flowers Conti

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Counsel of Record

Federal Public Defender